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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,616	03/31/2004	Anthony David King Smith	61282-071	3817

7590 07/02/2007  
MCDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER
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CHEN, ALAN S

ART UNIT	PAPER NUMBER
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2182

MAIL DATE	DELIVERY MODE
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07/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/813,616

Applicant(s)

SMITH, ANTHONY DAVID KING

Examiner

Alan S. Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 April 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 8-13 and 15-18 is/are rejected.
- 7) ☒ Claim(s) 7 & 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/13/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 04/13/2007 has been entered.

### ***Claim Objections***

2. Claim 15 is objected to because of the following informalities: missing letter 'a' before "main apparatus" in line 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,3-6,8-13 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent No. EP 1104976A1 to Fukumoto et al. (*Fukumoto*, as cited in the IDS submitted 04/13/2007).

### **Independent Claims**

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5. Per claim 1, Fukumoto discloses a slot-in accessory (*Fig. 1 shows the accessory, being a wireless communication unit*) for a digital product (*Fig. 4, element 60 and Figs. 4 and 13 show portable computers*) having a digital processor (*Fig. 4 intrinsically have processors*) with a file command structure (*Paragraph 102 discloses file command structured access from the digital product end, "external unit side"*), a slot (*Fig. 4, elements 44 and 62; Fig. 13, element 85, both are slots*) for receiving a removable memory device (*Fig. 2, element 23 shows the a memory device, it being part of the removable wireless communications unit shown in Fig. 1*) and an interface for a removable storage device whereby to access files stored on the storage device (*Fig. 4, element 41 is an interface for the memory/communication device; Fig. 3, shows at least one of a plurality of files on the memory device, TELDIC.CSV is accessed through the interface*), at least a portion of the slot-in accessory being insertable into the storage device slot (*Fig. 4 clearly shows accessory, element 10, being inserted into slot*) and having an interface for communicating with the digital product using file system calls and responses (*Paragraph 102, file is read by using AT file system command call*), characterized in that wherein: the accessory has an active function operable in response to function commands and means for translating file system calls received from the digital product into commands recognizable by the active function (*AT command sent from the portable computer, e.g., digital product, is translated and compatible with the wireless communication unit, element 10*), and responses from the active function into file system response to be sent to the digital product (*Paragraph 102, data is read from the wireless communication unit to the portable computer after*

*the file system command*), and the operations of the active function are presented to the digital product as a series of apparent files (*Fig. 3 shows the apparent files*).

6. Per claim 10, Fukumoto disclose a method (*Fig. 51*) for interfacing a removable storage device (*Fig. 1, element 10*) with a digital product (*Fig. 4, element 60 or Fig. 13, element 80*), comprising providing the product with a digital processor (*the portable computers intrinsically both has processors; the wireless communication unit shown also has a processor, Fig. 1, element 22*) and a file command structure (*Fig. 3*), providing a removable storage device with circuitry for carrying out a predetermined function (*Fig. 1, has storage as well as wireless functions*), the circuitry including a further processor (*Fig. 1, element 22 is a processor*), using the further processor to create a plurality of files each relating to a sub-function of the predetermined function (*Fig. 3, TELDIC.CSV is a file, there can multiple files in the USER AREA, element 33*), creating a table of the plurality of files (*Fig. 3, the files are shown in a table list*), receiving file commands from the digital processor (*Paragraph 102 discloses using file commands to read data from wireless device*) and using the table of files to translate a file command into a sub-function whereby to control the predetermined function (*the file name listed in the table list is used to read that particular software file from the wireless communication device*).

7. Per claim 15, Fukumoto discloses a removable storage device (*Fig. 1*) for use with a main apparatus (*Fig. 4 and Fig. 13*) comprising a processor (*Fig. 2, element 22 is a processor*) and circuitry for performing a specified function (*Fig. 2, elements 10a and 10b perform storage and wireless functions*), means for generating files relating to the

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specified function (*Fig. 3, element 33 has generated files such as TELDIC.CSV that are stored and designed to be transferable to the portable computer*), means for receiving file calls from the main apparatus (*Paragraph 102*), translation means for translating file calls into sub-functions commands of the specified function using the generated files (*wireless communication unit translates commands in order to output desired file back to portable computer*), and means for inputting the sub-function command to the processor (*Fig. 2, element 22, processor takes in commands from interface, element 13*).

8. Per claim 18, Fukumoto discloses a digital product (*Fig. 2*) having a digital processor (*Fig. 2, element 22*) with a file command structure (*Fig. 3*), an active function module (*Fig. 2, elements 10a and 10b*) and an interface enabling the digital processor to communicate with the active function module (*Fig. 2 shows interfaces between the processor and various other elements*) using file system calls and responses (*Paragraph 102 discloses uses of file system calls to communicate with the digital product*), wherein the interface between the digital processor and the active function module includes means for translating file system calls received from the active product into commands recognizable by the active function module and responses from the active function module into file system responses to be sent to the digital product (*Paragraph 102, file commands translated by processor, element 22*), and wherein the functions of the active function module are presented to the digital processor as a series of apparent files in a hierarchical structure with at least some apparent files having one

or more levels of apparent sub-files (*Fig. 3, shows the apparent files and files also being nested and thus having sub-files in one large hierarchy*).

**Dependent Claims**

9. Per claim 3, Fukumoto discloses claim 1, Fukumoto further disclosing an operation by the digital product on an apparent file (*Paragraph 102, execution of read file command*) results in an operation of the active function being carried out (*transfer of data out of memory in element 10*).

10. Per claim 4, Fukumoto discloses claim 1, Fukumoto further disclosing the apparent files are presented in a hierarchical structure with at least some apparent files having one or more levels of apparent sub-files (*Fig. 3 shows a hierarchical file structure where the files can be nested and thus having sub-files*).

11. Per claims 5,12 and 16, Fukumoto discloses claims 3,10 and 15, Fukumoto further discloses an active function is that of a digital radio receiver (*Fig. 1, is a wireless communication unit*).

12. Per claim 6, Fukumoto discloses claim 5, Fukumoto further discloses identities of stations received by the receiver are presented as a series of files to be read by the digital product (*Fig. 3, element 32, it appears the devices in the receiver are presented as files*).

13. Per claim 8, Fukumoto discloses claim 1, Fukumoto further discloses the accessory includes data storage (*Fig. 2, element 23*).

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14. Per claim 9, Fukumoto discloses claim 5, Fukumoto further discloses the data storage storing software (*Fig. 1, element 23*) usable by the digital product to enable the digital product to operate the active function (*memory used by processor, element 22*).

15. Per claim 11, Fukumoto discloses claim 10, Fukumoto further discloses the file command structure includes a open,close,read and write command (*Paragraph 102, file is open, closed and read. 'AT' protocol can read and write*).

16. Per claim 13, Fukumoto discloses claim 12, Fukumoto further discloses the file includes files relating to the transmission frequencies of stations received by the receiver (*Fig. 3, element 32 includes a telephone module which relates to the wireless communications*).

17. Per claim 17, Fukumoto discloses claim 15, wherein the device is configured as an SD type card (*Paragraph 111 discloses various small form factor cards*).

#### ***Allowable Subject Matter***

18. Claims 7 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is the statement of reasons for the indication of allowable subject matter: The prior art disclosed by the applicant and cited by the Examiner fail to teach or suggest, alone or in combination, ***all*** the limitations of the independent claim(s) (*claims 1 and 10*), particularly the files including files relating to the volume of the receive signal.



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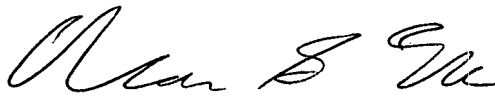
**Conclusion**

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan S. Chen whose telephone number is 571-272-4143. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim N. Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ASC  
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